

**REMARKS**

Upon entry of this amendment, claims 33 and 36-38 will be pending in the above-identified application. Claim 33 is herein amended. Claim 35 is herein canceled. No new matter is entered. It is respectfully submitted that this paper is fully responsive to the Office action mailed on February 3, 2009. In light of the aforementioned amendments and accompanying remarks, applicants earnestly solicit favorable consideration.

**Claim Rejections – 35 U.S.C. §112**

Claims 35-38 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Regarding the rejections of claim 35, as the claim has been canceled, applicants respectfully submit that the rejection is moot.

Regarding the rejection of claim 36, the examiner contends that because no specific structure is recited, only function, that the claim is therefore indefinite. Applicants respectfully submit that the functional features of the claim should be evaluated for the structural components required by those features.

For example, please see FIGS. 12 and 13 which are capable of performing the recited features of claim 36.

**Claim Rejections – 35 U.S.C. §102**

Claims 33 and 35-38 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,422,712 to *Ogino*. Applicants respectfully traverse this rejection.

*Ogino* relates to a flow site meter, wherein a plurality of samples in a flow cell 16 can be observed at the same time because the samples (particles) move in the flow cell 16.

That is, as set forth in the embodiments shown in Fig. 10 and Fig. 11 and the description appearing on column 8, line 53 to column 9, line 19 of *Ogino*, the samples and images of spectroscopic information falling on a photosensor (image sensor) 70 are limited in a detection area ( $20 \times 150 \mu\text{m}$ ) having a width covering substantially one sample (particle), and images on the entire area of a two dimensionally provided flat sample liquid flow 64 cannot be observed at the same time.

This is explained with reference to Fig. 11, wherein since the samples (particles) in the flow cell 16 move in the direction of Y in Fig. 11, if the detection area is expanded to a moving direction (Y direction), spectral images of the samples (particles) move together with the movement of the samples (particles) or the spectral images of the samples (particles) which

distribute in the moving direction are overlapped with each other, so that the spectral images cannot be identified.

Further, *Ogino* does not at all disclose that spectroscopic information (spectral image) is arranged between the images of samples.

On the other hand, the claimed invention relates to a biochip reader for reading an entire image of the biochip wherein a plurality of samples are arranged in spots or arrays, and the spectroscopic information is arranged between the plurality of images of samples, so that a plurality of spectroscopic information is not overlapped with each other, thereby reliably indentifying the spectroscopic information.

As such, applicants respectfully ask that the rejection be withdrawn, and the application allowed.

Claims 33 and 35-38 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,492,125 to *Kauvar et al.* Applicants respectfully traverse this rejection.

*Kauvar* has no means for varying the position of spectroscopic information to allow images of the spectroscopic information to fall on different positions of an optical detector (CCD array).

In Fig. 1 of *Kauvar*, polychromatic light reflected by polychromatic polarization camera (light dispersed by a color filter) is allowed to fall on the CCD array through the same optical path so that signals having different wavelengths are not arranged (imaged) at different positions of the CCD array.

Accordingly, *Kauvar* has no configuration of “the spectroscopic information (spectral images) being arranged between the plurality of images of samples on the detector” as made in the present invention.

Further, according to the present invention, since the dichroic mirrors having different wavelengths are arranged while the angles thereof are slightly varied so that spectral signals which are branched in wavelength in accordance with the angles of the dichroic mirrors are arranged at the different positions on the CCD surface.

As such, applicants respectfully ask that the rejection be withdrawn, and the application allowed.

### **Conclusion**

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

Application No. 10/769,017  
Art Unit: 1797

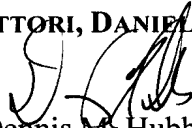
Amendment under 37 C.F.R. §1.111  
Attorney Docket No. 082726A

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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